

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

677R0218

HOUSE BILL NO. 1129

Introduced by: Representatives Steele, Bolin, Elliott, Hamiel, Hoffman, Hunhoff (Bernie), Hunt, Kopp, Lederman, Noem, Olson (Betty), Russell, Schlekeway, Van Gerpen, Vanneman, and Verchio and Senators Garnos, Abdallah, Gray, Jerstad, and Novstrup (Al)

1 FOR AN ACT ENTITLED, An Act to provide for the early reinstatement of a student expelled
2 from school under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-32 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a student is expelled from school as provided in § 13-32-4, the school board may grant
7 the student an early reinstatement allowing the student to return to school before the end of the
8 period of expulsion.

9 Section 2. That chapter 13-32 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 Any early reinstatement granted by a school board pursuant to section 1 of this Act may
12 include one or more specific conditions established by the school board that the expelled student
13 must meet, either prior to the granting of the early reinstatement or after the early reinstatement
14 is granted and before the end of the period of expulsion. Any early reinstatement conditions



1 established by the school board for an expelled student shall pertain to the reasons why the
2 student was expelled, and the board shall provide notice of any early reinstatement conditions
3 to the student's parent or guardian or to the student, if the student is at least eighteen years of age
4 or is an emancipated minor, at the time the student is expelled.

5 Section 3. That chapter 13-32 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If the superintendent of a school district determines that an expelled student has met the
8 early reinstatement conditions established pursuant to section 2 of this Act that the student is
9 required to meet before the student may be granted early reinstatement, the superintendent may
10 grant the student early reinstatement and allow the student to return to school.

11 If a student violates an early reinstatement condition that the student was required to meet
12 after the student's early reinstatement, but before the end of the expulsion period, the
13 superintendent of the school district may revoke the student's early reinstatement. Within five
14 days after revoking an early reinstatement, the superintendent shall provide written notice of the
15 revocation including any early reinstatement condition that was violated by the student to the
16 student's parent or guardian or to the student, if the student is at least eighteen years of age or
17 an emancipated minor.

18 If a student's early reinstatement is revoked, the student's expulsion shall continue until the
19 end of the original period of expulsion unless the student's expulsion is firearm-related and the
20 original period of expulsion is modified by the superintendent pursuant to § 13-32-4.

21 Section 4. That chapter 13-32 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 The administrative due process procedures established in ARSD 24:07:04 for the protection
24 of students' rights in an expulsion procedure apply to the early reinstatement process established

1 in this Act, and the South Dakota Board of Education may promulgate rules pursuant to chapter
2 1-26 to establish additional procedures for the early reinstatement process, including the
3 development of early reinstatement conditions by school boards.